

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The rejection of claims 17, 20, 35, 39, 40, 43 and 45 under 35 U.S.C. §112, first paragraph, as allegedly failing to be support by an enabling disclosure is respectfully traversed.

The Examiner alleges that the specification as originally presented would not have enabled one skilled in the art to “automatically” change, without any user input, the user’s mode of communication. The Examiner alleges that the page and line numbers pointed to by the applicant only provide for the user interface adjusting output response to output from the physical detector.

Of course, if the interface can adjust its output in response to output from the physical detector (i.e., as opposed to the user’s manual inputs), then those skilled in the art would presumably already understand from the Examiner’s own description that such is happening “automatically” (i.e., without the necessity for human command).

In addition, the Examiner’s attention is drawn to the original specification in the paragraph bridging page 4 and in the last full paragraph on page 5. These paragraphs clearly teach as an alternative to manual control inputs, analyzing the received audio signal using known speaker recognition algorithms, for example, to determine whether speech other than that from the user is detected.

Bridging pages 4 and 5 goes on to explain that such non-manual modes of operation can also involve video inputs.

The last full paragraph on page also explicitly contrasts the user's use of a predetermined key or sequence of keys with analyzing the audio environment using the audio signal received via the audio input, etc.

These passages have been amended above so as to explicitly use the words "automatically". It is respectfully submitted that those having skill in the relevant art would readily understand that when discussion is made of manual user inputs and the alternative of analyzing input signals, that the alternative was indeed "automatic".

It is also noted that the phrase "auto diverted" appears at page 10, line 4 in the discussion of yet another alternative embodiment.

Accordingly, it is believed that those having skill in the relevant art would readily understand the applicant's teaching to involve, *inter alia*, embodiments which automatically change, without any additional user input, the user's mode of communication to a different communication mode so as to accommodate a detected impairment, etc.

The rejection of claims 17-23, 25-29, 31-33, 35-37, 39, 40 and 42-46 under 35 U.S.C. §102 as allegedly anticipated by Filo '498 is again respectfully traversed.

Filo does not disclose or teach that the user's ability to communicate in the first mode is impaired by an environmental or physical attribute. All that is stated on the portion identified by the Examiner, in column 10, line 62 to column 11, line 18, is that:

- A phone and pager function is included in a personal tool set 62 (column 10, lines 52 to 56), which allow communications outside of the VCP (virtual command post);
- If the user chooses to accept calls from the outside world using the phone, this disengages the audio linked to the VCP, so that the other users in the VCP cannot overhear the users conversation using the phone;
- Instead, an icon is displayed next to the user's avatar in the VCP to indicate that he is busy in a private conversation.

From a close reading of this part of the description, it seems that the user can only accept calls from the outside world where the audio link is disengaged from the VCP - i.e., there is no alternative, second, mode of communication available for such calls.

The significance placed by the Examiner on the user's avatar looking at this watch is not understood. Does the Examiner mean to refer to how the user is busy reading the page as described in column 11, lines 13 to 15? But this is not an impairment which causes the communication mode to change. And does the Examiner mean to refer, in column 3, lines 15 to 21, to e.g., the position tracking means being means to facilitate the disengagement of the audio link to the VCP? Again, it is not understood how this can be, as it seems that disengagement occurs upon the user manually choosing to accept the call from the outside world.

In any event, mere disengagement of an audio link cannot be said to be a different "communication mode". This part of Filo is more of a diversion of the same one audio

signal from one channel to another channel, which is not a mode change from e.g., an audio to a video signal. Be that as it may, features in claim 17 are absent from Filo. The methods and apparatus are entirely different in terms of their technical fields, the problems to which each are directed, and the respective solutions proposed in response.

The rejection of claims 24, 30 and 34 under 35 U.S.C. §103 as allegedly being made “obvious” based on Filo in view of Nitta ‘306 is also respectfully traversed.

Fundamental deficiencies of Filo have already been noted above with respect to parent claims. Nitta does not supply those deficiencies. Accordingly, it is not believed necessary at this time to detail the additional deficiencies of this allegedly “obvious” combination of references with respect to other features of the parent claims and/or the additional features of these rejected dependent claims.

The rejection of claims 38 and 41 under 35 U.S.C. §103 as allegedly being made “obvious” based on Filo in view of Sun ‘740 is also respectfully traversed.

Once again, fundamental deficiencies of Filo have already been noted above with respect to parent claims. Sun does not supply those deficiencies. Accordingly, it is not believed necessary at this time to detail the additional deficiencies of this allegedly “obvious” combination of references with respect to other features of the parent claims and/or with respect to the additional features of these rejected dependent claims.

BOWSKILL et al
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Accordingly, this entire application is now believed to be in condition for allowance and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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